



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	29 April 2014	B4	Junction

Delete as appropriate		Non-exempt
-----------------------	--	------------

Subject: PREMISES LICENCE REVIEW APPLICATION
RE: SUPER PERSIA, 621 HOLLOWAY ROAD, LONDON, N19 5SS

1. Synopsis

- 1.1 This is an application by Trading Standards for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
- i) The prevention of crime and disorder
 - ii) The protection of children from harm

2. Relevant Representations

Licensing Authority	No
Metropolitan Police	Yes
Noise	No
Health and Safety	No
Trading Standards	No
Public Health	No

Safeguarding Children	No
London Fire Brigade	No
Local residents	2 residents
Other bodies	Better Archway forum

3 Recommendations

- 3.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 3.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 3.3 The steps stated in Sections 52(4) of the Act are as follows:
- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;
 - f) the Committee also have the option to leave the licence in its existing state;
 - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

4. Background

- 4.1 The premises currently holds a licence allowing:
- i) The sale by retail of alcohol, 00:00 until 00:00 the following day Monday to Sunday.
 - ii) The opening hours of the premises are 00:00 until 00:00 the following day Monday to Sunday. Papers are attached as follows:-
- Appendix 1: application form,
- Appendix 2: current premises licence
- Appendix.3 representations
- Appendix.4 map of premises location
- 4.2 The premises have breached several licence conditions relevant to CCTV and training records. There have been several seizures and points of concern for trading standards (please see summary of events as contained in the review application.)

5 Planning Implications

- 5.1 There are no planning implications in respect of the premises review application.

6 Conclusion and reasons for recommendations

- 6.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

17-4-14
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I David Fordham, Service Manager Trading Standards

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described on Part 1 below (delete as applicable)~~

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Super Persia

621 Holloway Road

Post town: **London**

Post code: **N19 5SS**

Name of premises licence holder or club holding club premises certificate:
Samaneh Serposhan

Number of premises licence or club premises certificate: **LN/9688-020114**

Part 2 - Applicant details

I am

Please tick ✓/yes

an interested party (please complete (A) or (B) below)

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

a body representing persons involved in business in the vicinity of the premises

☐☐☐☐

a responsible authority (please complete (C) below)

☒

a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

Please tick ✓/yes

☐

I am 18 years old or over

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail
(optional) address

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR	
Telephone number:	020 7527 3458
E-mail:	<u>david.fordham@islington.gov.uk</u>

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

This application to review relates to the licensing objectives to protect children from harm and to prevent crime and disorder and licensing policies 26, 25 & 10. It particularly relates to a sale of alcohol by the business to an underage volunteer; the presence on the premises of illicit goods including a recent seizure of non-UK duty wine; ongoing breaches of licence conditions; and the provision of false documentation by the business management in an attempt to justify the wine.

Jamshid Orodpour was the Licensee and Designated Premises Supervisor at Super Persia between Summer 2009 and January 2014. He has also been an owner of the business since 2005. He used to be the sole owner and manager of the premises, but since some time in 2012 he took a business partner, Sadeh Tousirad who now appears to be the main manager at the business. It is unclear whether or when Mr Orodpour completed the sale of the business to Mr Tousirad.

After a licence and designated premises supervisor (DPS) transfers were submitted in early January 2014, Samaneh Serposhan and Kamran Dadjooyi became the licensee and DPS, respectively, for the premises. At no point have either contacted Trading Standards. I am not aware of any changes of ownership to the business.

There have been issues with non-UK duty paid goods at the business on a number of occasions in the last few years.

On **12/09/09**, HMRC officer Edward Ward found and seized the following non-UK duty paid goods: **10.68kg of shisha tobacco and 720 cigarettes**. Some shisha tobacco was on the shelves, but most of the goods were concealed in a freezer. Mr Orodpour was issued with a seizure notice and a warning on the day, but no further action was taken. (The Council was not informed of this visit at the time).

On **15/09/11**, officers from Trading Standards and HMRC visited the shop after two separate allegations had been received that illicit tobacco was being sold there. The following non-UK duty paid goods were seized by Trading Standards: **4660 cigarettes; 16.22kg shisha tobacco; 0.4kg Golden Virginia tobacco (also counterfeit); and 11 bottles of Italian wine**. The tobacco products were all concealed. As a result of this seizure, Mr Orodpour was convicted at Magistrates Court and a Community Order of 80 hours of unpaid work was made and he was ordered to pay £250 in costs.

On **11/12/12**, during a joint visit by HMRC and Trading Standards, **1300 cigarettes and 0.3kg shisha tobacco** were identified as non-UK duty paid and seized by HMRC. These goods were concealed. During this visit, the person who was identified as the owner of the shop was Mr Tousirad. Mr Love left a pack containing guidance on precautions that should be taken when selling age-restricted goods and how to identify illicit alcohol and tobacco.

At a meeting with Mr Orodpour in **January 2013**, Doug Love of Trading Standards and Dan Whitton of Licensing were told that he was still involved in the business as a partner pending the total sale of the business, although he did not work there. Mr Whitton reminded him that if he was to stay on the licence he would remain responsible for licensable activities at the premises, whether he worked there or not. Mr Orodpour said he expected the sale of the business to be completed in 2-3 months.

On **13/09/13** Mr Love was leading a test purchasing operation to check whether off-licences were correctly asking young people for proof of age when they tried to purchase alcohol. Mr Love asked the volunteers – a boy, aged 16 years and 11 months and a girl aged 16 years and 10 months – to attempt a purchase at Super Persia and **the male volunteer successfully bought a 1 litre bottle of White Ace white cider (7.5%)**.

When officers returned to the shop, shortly after the sale, the seller was identified as Mousain Tucirad, the father of Mr Tousirad. He stated that he felt the volunteer was aged 20. There was an Under 25? poster displayed on the tobacco gantry.

There was a refusals book which had 22 entries since the start of February: 10 in February; 3 in March; 2 in April; 2 in May; 1 in June; 2 in July; 2 in August. Most of the entries were unsigned, so there was no way of telling who had refused to sell on these occasions.

No other underage test purchases have ever been attempted by Trading Standards at the shop.

During the visit Mr Love noticed a brand of Italian wine that he had not come across before: Da Castello Pinot Grigio Blush. The wine was suspicious because there was a lot of it in comparison to other wines

and, unlike the rest of the stock, it was unpriced. The following week, Mr Love had a telephone conversation with Mr Ward from HMRC. He confirmed that he had come across this brand of wine before and considered that it was likely to be non-UK duty paid.

On 18/09/13 Mr Love and Anthony Baptiste of Licensing visited Super Persia to enquire about the wine and to assess how well the business was complying with their licence conditions. Sadegh Tousirad was in the shop when the officers arrived.

Mr Love asked where the Da Castello Pinot Grigio Blush had come from. Mr Tousirad could not provide an invoice or other evidence, but he identified the supplier as Iberiandrinks UK Ltd. He provided a delivery note from this company (relating to invoice 175), which showed that the company had delivered 132 bottles of Spanish wine to Super Persia on 31/03/13. Mr Love was not satisfied with this explanation and asked why a company called Iberiandrinks would supply Italian wine. Mr Tousirad dialled a number identified as 'Sharab' (which I understand in Farsi for wine) and handed the telephone to Mr Love. Mr Love explained who he was and asked about the Italian wine. The person on the other end of the telephone denied supplying any Italian wine to Super Persia, saying that he had only supplied Spanish wines.

Mr Love seized 68 bottles of the Da Castello wine. He explained to Mr Tousirad that he would be willing to return the wine should proof that it had been bought legitimately be provided. The remaining wine on the shelves of the shop totalled only about 40 bottles.

Mr Baptiste identified some breaches of licence conditions – notably re CCTV and training and training records - which he wrote to Mr Orodpour about later the same day, warning him that breach of conditions was an offence. He also observed that the licence summary was not displayed.

On 26/09/13 Mr Baptiste received an e-mail from someone calling herself 'Laura Bowen'. Ms Bowen attached a document purporting to be a delivery note relating to Iberiandrinks UK's invoice 176. Mr Love immediately noticed that the contact details were different to the previous delivery note he had been given (diegosamoza@iberiandrinks.com, instead of diegosamoza@iberiandrinks.com). Also the recorded date for 'Invoice 176' was 31/03/13 when Invoice 175 was recorded as having a date of 17/03/13, implying that there were no intervening sales. Mr Love was immediately suspicious of the document. Mr Love e-mailed 'Laura Bowen' on 30/09/13 but did not, at this time, get a reply.

Mr Love also e-mailed **Diego Samoza at Iberiandrinks UK**. He is the sole director of that company. Mr Samoza in reply **confirmed that the 'Delivery Note' supplied by 'Laura Bowen' was false** and that the real Iberiandrinks invoice 176 was dated 18/03/13 and for a different customer altogether; that his company had only ever supplied Super Persia once (invoice 175); that the descriptions of the wines on the false document did not match any wines supplied by his company; that he knew of no-one by the name 'Laura Bowen'.

Mr Love interviewed Jamshid Orodpour under PACE conditions on 10/10/13. Mr Orodpour chose to have Sadegh Tousirad present, also. Mr Orodpour elected not to have a solicitor present. The key parts of the interview were as follows:

- JO stated that he was a business partner of ST; attends the shop regularly; and is responsible for training and purchasing alcohol.
- There was evidence of conditions being breached: **no records of training are kept; JO admits that he does not sign the refusals records.**
- It was claimed that Mousain Tucirad who made the underage sale had mistaken the product for a soft drink. It was kept with the other alcoholic drinks in the shop, away from the soft drinks, but JO said he had not gone through the products with the seller prior to the sale, although he had now. DL observed that this explanation had not been given on the night.
- JO agrees that the volunteers looked 16-17 and should have been challenged.
- JO says that he is familiar with the conditions of his licence, but cannot, when asked, name any. When asked when he last read them, he replied "About four years ago".
- **The Licence Summary is still not displayed in the shop.**

5

- ST bought the seized wine and identifies Manucher Matin (MM) as the supplier. MM is a customer of the shop but also, ST stated, works for Iberiandrinks UK Ltd.. ST states that MM delivered twice to Super Persia and that the goods delivered were shown on the delivery notes 174 and 175 that

had been supplied. He said that both deliveries were on the same day – one in the morning and one in the afternoon.

- More of the Italian wine had been bought in comparison to the other types, because it was cheap (£3.20 excluding VAT per bottle) and needed to fill shelf space.
- Payment for the wine had been made directly to MM. ST sent it in installments to a Halifax bank account.
- DL asked who 'Laura Bowen' is? He is told that she works at the business' accountants, who are identified as Dehshid in Acton.
- DL points out the inconsistencies in the purported delivery note relevant to invoice 176. JO accepted that MM may have manufactured the delivery note himself. DL suggests that it is either the interviewee(s) who have falsified it or MM and suggest that it is very important for JO / ST to co-operate if MM is at fault. ST mentions an e-mail from MM that would support their version. DL asks for to be forwarded to him, together with ST's bank statements showing the payments to MM.

After the interview, Mr Love spoke with Reza Dehshid of Dehshid & Co. Accountants of Eastman Road, Acton. He stated that he had never heard of anyone of the name 'Laura Bowen'.

Mr Love wrote to Mr Orodpour and Mr Tousirad on 04/11/13. He noted that he had not had the copies of e-mails between Mr Tousirad and Mr Manucher; or copies of bank statements showing the payments to Mr Manucher; or the CCTV footage from the sale requested at the interview. He asked for confirmation of who 'Laura Bowen' is given that she did not work for their accountants. He also asked for CCTV footage from Friday October 18th to satisfy him that the CCTV was now in compliance.

No CCTV footage, or any evidence to support the claims in the interview was provided.

On 14/11/13, Mr Love received another e-mail from 'Laura Bowen'. She claimed that she used to work for Iberiandrinks, but did not any longer. Mr Love replied to this email two minutes after receiving it asking when she had worked at Iberiandrinks, but received no response.

On 15/11/13, **Mr Love contacted Diego Samoja again.** He confirmed that he had met Manucher Matin at a trade fair and, in a subsequent e-mail, said that Manucher had introduced him to Super Persia. Mr Matin had bought goods from Iberian drinks in the past intending, Mr Samoja believes, to re-sell them. He confirmed again that 'Laura Bowen' had never worked for his company.

On 25/11/13, **a complaint that counterfeit tobacco had been sold from Super Persia** was received by Trading Standards. The complainant alleged that (s)he had purchased Amber Leaf hand-rolling tobacco that "...smelt horrendous and looked like it had mud in it...". Unfortunately the complainant threw the product and packaging away, but reported the matter after seeing a TV programme about illicit tobacco. The product was bought about a week or so before she complained.

On 06/12/13, **a young volunteer, Volunteer K purchased a 50g pouch of counterfeit Golden Virginia hand-rolling tobacco** from the shop. Volunteer K was assisting Trading Standards and working under the direction of Mr Love at the time. Volunteer K entered the shop and asked if they had any 'cheap tobacco' and the person behind the counter went to a room at the back of the shop and returned with the product, which was subsequently examined by the trade-mark holder's representative and confirmed to be counterfeit. Volunteer K, who was 18 years and 5 months old, was not asked for proof of age.

On 09/12/13, **Mr Love seized non-UK duty paid cigarettes, vodka and whisky from Super Persia.** He had visited, with PC Paul Hoppe of Islington Licensing Police and Dan Whitton from the Licensing Team, to undertake a further inspection of the business alcohol and tobacco stock. The following goods were discovered and seized:

400 Marlboro Gold Original cigarettes (20 x packs of 20): Found behind the counter in a cupboard under the tobacco display. Polish labelling and tax stamps. Mr Tousirad said they were for his own personal use and that his passport would show he had made a recent trip to Poland.

300 Benson and Hedges Gold cigarettes (15 x packs of 20): These were on the tobacco display and had English language markings, but written warnings were on both sides of the pack. Since 2008 packs of cigarettes have needed a written warning on the front and a picture warning on the back. They have been examined and confirmed as genuine, but for the Gibraltar market.

High Commissioner whisky – 8.4 litres (12 x 70cl bottles): all have back labels with printing errors which

are poorly affixed with air bubbles causing a 'bumpy' feel; four have evidence of dried glue where the original label has been removed and the fake one not positioned in the same place; two labels are visibly crooked. These bottles have been confirmed genuine by the manufacturer, Glen Catrine, but were produced with export labels that do not carry UK duty stamps.

Smirnoff vodka – 7.7 litres (11 x 70cl bottles): all had duty stamps that did not fluoresce properly; there is dried glue visible around five of the back labels; eight are visibly crooked; five clearly off-centre (they should be centred above the emblem on the bottle). Two bottles left on shelves as believed legal.

Glens vodka – 2.8 litres (4 x 70cl bottles): two have the wrong style '4' on the bar code and a poorly affixed back label with air bubbles causing a 'bumpy' feel; two have poorly printed and affixed back labels with duty stamps that do not properly fluoresce, one of which has dried glue from the original label. Confirmed as genuine by Glen Catrine, but produced with export labels that do not carry UK duty stamps. One bottle left as believed legal.

Famous Grouse whisky – 1.4 litres (2 x 70cl bottles): both have duty stamps that do not fluoresce properly and poorly printed. Two bottles left as believed legal.

All alcohol was found on the shelves behind the counter. A trader following the written guidance given by Trading Standards – a copy of which was still in an advice pack seen behind the counter – would have been suspicious of all of this alcohol and would have recognised that the cigarettes were illegal to sell.

No Golden Virginia or Amber Leaf was found, although part of the way through the visit, before the officers had looked behind the counter Mr Whitton noticed two packs of Golden Virginia on the tobacco display, which looked like they had warnings in a foreign language. He pointed them out to Mr Love, who also saw them, but by the time Mr Love went behind the counter the packs were gone.

CCTV footage from the six cameras at the premises from around the time of the test purchase and during the time of the seizure was requested in order to establish who served Volunteer K and who removed, and in what circumstances, the Golden Virginia seen by Mr Whitton and Mr Love.

Only footage from one camera covering the test purchase (which is shown clearly) has been provided. Where in the shop the counterfeit Golden Virginia came from is not revealed.

Footage from four cameras from the time of the seizure has been provided. Although none show the tobacco display, where Mr Whitton and Mr Love saw the Golden Virginia, it is clear from the footage that only Mr Tousirad could have removed the packs.

The remaining footage was re-requested, but was not provided.

On 23/12/13, **Jamshid Orodpour attended a further PACE interview**. Mr Tousirad was not present and the interviewee was not represented.

In the interview, Mr Orodpour gave different responses to previously. On this occasion he clearly said that he had sold the shop to Mr Tousirad in 2012 and since then had had little to do with the running of the business apart from attending the Council offices when requested and trying to help the new owner by showing him how to run the business. He explained his answers in the earlier PACE interview that suggested a greater involvement in the business were given as he felt a responsibility to the business he had established and wanted to help Mr Tousirad to make it successful. Mr Orodpour agreed he had made a mistake in placing so much trust in Mr Tousirad, who he said he did not know prior to the sale of the business.

Mr Love believes that the version given in the later interview is nearer the truth – Mr Orodpour has not been seen in the shop since the time he says he sold it and Mr Tousirad has always seemed in sole charge of the business when officers have visited.

Mr Orodpour surrendered his licence and resigned as designated premises supervisor immediately after this interview. Later that day, Mr Love and PC Paul Hoppe visited Super Persia to inform them that there was no licence for the premises anymore.

On 07/01/14 **Sadegh Tousirad attended a PACE interview**. The interview was adjourned before any questions about the allegations were asked, when Mr Tousirad decided that he would have a solicitor present. It was agreed that Mr Tousirad or his solicitor would contact Mr Love through the course.

On or around 23rd January, Mr Love spoke with Mr Tousirad on the phone, as he had heard nothing further. Mr Tousirad explained that his solicitor had been abroad, but that he would be contacting Mr Love the following week.

Nothing was heard from the solicitor during that week, so **Mr Love wrote to Mr Tousirad on 04/02/14**. The letter, which was hand delivered to the premises, gave Mr Tousirad until 7th February to be interviewed or to get his solicitor to contact Mr Love. No response was received to this letter.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. Islington Council is a local weights and measures authority and that function is carried out by the trading standards team.

Here is a summary of events supporting this application

12/09/09	Seizure	HMRC seized 10.68kg shisha tobacco and 720 cigarettes. At this stage JO was the sole owner and the premises was newly licensed.
15/09/11	Seizure	TS seize 4660 cigarettes; 16.22kg shisha tobacco; 0.4kg hand rolling tobacco (also counterfeit) & 11 bottles of Italian wine. JO still sole owner.
11/12/12	Seizure	HMRC seize 1300 cigarettes and 0.3kg shisha tobacco. Sadeqh Tousirad said to be the new owner of the shop.
12/12/12	Court hearing	JO pleaded guilty to offences relating to the seizure in Sept 2011.
28/01/13	Meeting with JO	TS and Licensing officers met with JO, who admits that he is a (sleeping) partner in the business. Transfer of licence said to be pending completion of sale of the business.
13/09/13	Underage sale	One litre bottle of White Ace white cider sold to 16 year old boy.
18/09/13	Seizure and breaches	TS seized 68 bottles of wine. Licensing officer, Anthony Baptiste noted a number of breached conditions.
10/10/13	PACE Interview	JO / ST admit to continuing breaches of licence conditions and promise to provide evidence that does not arrive
06/12/13	Test Purchase	Counterfeit Golden Virginia sold by the business during a test purchase, by an 18 year old, who was not asked for proof of age.
09/12/13	Seizure	700 cigarettes and 20.3 litres of spirits seized by TS.
23/12/13	PACE interview / Surrender	JO now says that he is not involved in the business. He surrenders his licence and resigns as DPS
07/01/14	PACE interview (adjourned)	ST withdraws from an interview deciding he wanted a solicitor present. Mr Love was not contacted to re-arrange.

Recommendations

I believe that this licence should be revoked.

The facts speak for themselves: multiple seizures of illicit goods; an underage sale; lack of knowledge of and compliance with licence conditions; no improvement under the management of Mr Tousirad. These are more than adequate reasons to revoke this licence. I do not believe that the transfer of the licence and DPS has made any difference to how, or by whom the business is managed.

There is also good evidence that business manufactured false documentation in an attempt to persuade Trading Standards that they are innocent regarding the wine. Mr Tousirad has had plenty of opportunity to provide the evidence that he claimed to have to show that he had paid Mr Manucher in good faith for the wine, but have not done so. He has also failed to account for the person calling herself 'Laura Bowen'. The claim that she works for their accountants has been demonstrated to be untrue. The first contact with 'Ms Bowen' was when she sent the false invoice, which could only have been done at the business' request, so any confusion about who she is on Mr Sadeqh's part is not credible.

At the time of writing, we are also intending to take formal enforcement action against Mr Tousirad in respect of the false documentation, and the seized wine, tobacco and spirits.

In its Licensing Policy, Islington Council has outlined its commitment to act if licensed premises are found to be selling illicit alcohol or tobacco. The Policy is clear about its commitment to ensure businesses and licensees operate responsibly and of their need to demonstrate a commitment to high standards of

management. As identified above, this business has fallen far short of these standards, and as result, I firmly believe that the licence should be revoked. I do not believe that the Committee should regard the change in personnel on the licence as anything other than a way to continue trading. This recommendation is in line with Home Office Guidance regarding reviews where the licensing authority determines that the crime prevention objective is being undermined.

Section 11.27 of that guidance states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. This includes *"the use of licensed premises for the sale of smuggled tobacco and alcohol"* and *"for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people"* 11.28 of this guidance states that *"it is envisaged that licensing authorities would use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered"*.

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick ✓ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

☒

I understand that if I do not comply with the above requirements my application will be rejected

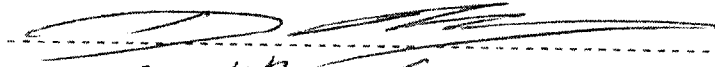
☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

25th February 2014

Capacity

Service Manager (Trading Standards)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

11.

Notes for Guidance

The ground(s) for review must be based on one of the licensing objectives.
Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.



ISLINGTON

Environment and Regeneration

Trading Standards Service
Public Protection Division
222 Upper Street
London N1 1XR

Licensing Team
Public Protection Division
222 Upper Street
London
N1 1XR

T 020 7527 3874
F 020 7527 3038
E doug.love@islington.gov.uk
W www.islington.gov.uk

Please reply to: Doug Love
Our ref:
Your ref:

Date: 25/02/14

Dear Sir or Madam

S51 LICENSING ACT 2003: Application for review of premises licence

Super Persia, 621 Holloway Road, N19 5SS

Islington Trading Standards wishes to apply to have the premises licence of the business trading as Super Persia reviewed. There have been four seizures of illicit alcohol and/or tobacco and an underage sale at the premises. False documentation has been provided to Trading Standards to attempt to justify some wine that was seized.

The enclosed document is our formal application for the review. Copies have also been submitted to the people and agencies listed below.

Please contact **Doug Love** (details above) in relation to this matter.

Yours faithfully

David Fordham
Service Manager Trading Standards

The Licence holder for the business
Licensing Office of Islington Police
London Fire and Emergency Planning Authority
Health & Safety Team (G Weaver)
Development Control Team, Islington Council
Noise & Pollution Team, Islington Council
The Child Protection Team, Islington Council
Public Health
Licensing Team, Islington Council

13.



Premises Licence Summary

Licensing Act 2003

Premises licence number	LN/9688-020114		
Postal address of premises, or if none, ordnance survey map reference or description SUPER PERSIA 621 HOLLOWAY ROAD			
Post town	London	Post code	N19 5SS
Telephone number	020 7272 2665		

Where the licence is time limited the dates Not Applicable [
--

Licensable activities authorised by the licence [Ground Floor Only <ul style="list-style-type: none">• The sale by retail of alcohol
--

The times the licence authorises the carrying out of licensable activities				
• The sale by retail of alcohol:				
Monday	00:00	to	00:00	the following day
Tuesday	00:00	to	00:00	the following day
Wednesday	00:00	to	00:00	the following day
Thursday	00:00	to	00:00	the following day
Friday	00:00	to	00:00	the following day
Saturday	00:00	to	00:00	the following day
Sunday	00:00	to	00:00	the following day

Gaming Machine Provision: Not Authorised
--

The opening hours of the premises:				
Monday	00:00	to	00:00	the following day
Tuesday	00:00	to	00:00	the following day
Wednesday	00:00	to	00:00	the following day
Thursday	00:00	to	00:00	the following day
Friday	00:00	to	00:00	the following day
Saturday	00:00	to	00:00	the following day
Sunday	00:00	to	00:00	the following day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off supplies
--

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Samaneh Serposhan
17 Nevis Court
Lock Crescent
Edgware
London
HA8 8FE

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Kamran Dadjooyi

State whether access to the premises by children is restricted or prohibited

No restrictions

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

1. An alarm system that meets a minimum standard of BSEN50131 grade 1 must be installed at the premises. A panic button facility must be provided at the counter.
2. Premises shall be well lit both inside and out to deter offenders and support the CCTV (subject to any planning constraints).
3. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
4. There shall be a minimum of two members of staff on the premises after 23:00.
5. The licensee shall display a notice at the exit of the premises requesting customers leave the local area quietly.

Annex 3 - Conditions attached after a hearing by the licensing authority

1. The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
2. The licensee shall ensure that staff are trained about the age limit for alcohol; the difficulty of accurately assessing age; acceptable 'proof of age' documents; and how to challenge for proof of age and how to refuse sales where necessary. The licensee shall further ensure that employees sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
3. The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol products.
4. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards e.g. proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
5. The licensee and staff should note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

Annex 4 – Plans

Reference Number: 621/01 – June 2006



Your

Our Licensing/NL

Date: 26/02/2014

PREMISES LICENSE REVIEW:

Super Persia
621 Holloway Road
N19 5SS

**METROPOLITAN POLICE
SERVICE**
Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY
Telephone: 07799133204

Email:
licensingpolice@islington.gov.uk

26th February 2014

Dear Sir

Re: SUPER PERSIA; 621 HOLLOWAY ROAD N19 5SS

With reference to the above application, we are writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this application for a review of a premises license under Section 51 Licensing Act 2003.

We have read the application submitted by Mr David Fordham Service Manager Trading Standards and we are in full agreement with his assessment of the premises. We believe that the management standards are far from reaching the high standards required and expected by all of the Responsible Authorities and the Council Licensing Policy.

The evidence put forward in Mr Fordham's report makes it clear that the persons responsible for running this business have no intention to adhere to their license conditions or the licensing objectives. There have been numerous breaches of the conditions including under age sales and numerous seizures of illicit alcohol. A very concerning point is the sale of alcohol and tobacco products to under age persons. Islington Borough has almost double the national average of Licensed premises per head thus making alcohol readily available across the Borough, this in turn puts a greater responsibility on all license holders to ensure that their premises are run correctly and that alcohol is not made available to young persons. This premise has on display Challenge 25 posters yet the staff failed to challenge a volunteer aged 16 years 11months and when questioned about this stated that the volunteer looked about 20?

On 21/12/2013 there was an assault outside the venue whereby a customer was hit in the face as she left the shop. Police requested the CCTV on 23/12/2013 and were told that it would be supplied the next day. After numerous requests from the Investigating Officer the CCTV footage was eventually supplied on 14/01/2014. This is a clear breach of Annex 2 - Condition 3:

CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

This incident adds further weight to the lack of confidence in the Management of the premises to be able to run the business professionally and to the standards required and expected by all Responsible Authorities and the Council Licensing Policy 2013-2017.

In light of the evidence submitted in this comprehensive report we would fully support revocation of the license and feel that this is the only and proportionate course of action in the circumstances.

Islington Police Licensing Team

Pc Steven Harrington
Pc Paul Hoppe
Pc Peter Conisbee

Baptiste, Anthony

From: Better Archway Forum <contact@betterarchway.org.uk>
Sent: 25 February 2014 17:27
To: Licensing; LicensingPolice; islingtongroup@london-fire.gov.uk; Issues, Noise; Eden, Laura; Gibbons, Janice; CSPU Team; Control, Building; Sumpter, Colin; Neil, Rebecca
Cc: Lane, Terrie; Baptiste, Anthony; Burgess, Janet; Makarau Schwartz, Kaya; Woolley, Ursula
Subject: RE: Premises Licence Review: Super Persia, 621 Holloway Road

I am responding on behalf of the Better Archway Forum regarding the application for a Premises Licence Review at 621 Holloway Road.

The evidence presented by the Islington officers makes it clear that the business operating at this address has not been adhering to the licensing objectives. It is therefore almost certainly contributing to the anti-social behaviour which has led to residents seeking a saturation zone designation for Archway. The activities must also be supporting a criminal network which we would not wish to see established in the area. This means that we would definitely support the removal of the alcohol licence.

Given the weight of evidence, there seems no need for the submission of further points other than to comment that when such businesses are found to be in breach of the licensing objectives, for the benefit of the wider community we would wish to see the licence revoked at the earliest possible opportunity.

Our thanks to the officers who have worked so thoroughly on this case to build the necessary evidence.

Kate Calvert
 Chair, Better Archway Forum
 c/o Hargrave Hall
 Hargrave Road
 London N19 5SP

From: Fitzsimons, Aiden [<mailto:Aiden.Fitzsimons@islington.gov.uk>]
Sent: 25 February 2014 16:08
To: LicensingPolice; 'islingtongroup@london-fire.gov.uk'; Issues, Noise; Eden, Laura; Gibbons, Janice; CSPU Team; Control, Building; Sumpter, Colin; Neil, Rebecca
Cc: Lane, Terrie; Baptiste, Anthony; 'Kate Calvert'; Burgess, Janet; Makarau Schwartz, Kaya; Woolley, Ursula
Subject: Premises Licence Review: Super Persia, 621 Holloway Road

Dear Sir/Madam,

We have received the attached application for a **Premises Licence (Review):**

Licence Holder: Samaneh Serposhan

Premises Name: Super Persia

Address: 621 Holloway Road, London, N19 5SS

Application received: 25 February 2014

Last date for representations: 25 March 2014

Baptiste, Anthony

Subject: FW: Licensing , your Ref:WK/201438906

From: Sent: 07 March 2014 16:48

To: Licensing

Subject: Licensing , your Ref:WK/201438906

to whom it may concern

I've received a letter for the licensing team regarding the review of the license of "SUPER PERSIA" 621 holloway road n19 5ss

i live in XXX for 6 years , XXX the road from the shop mentioned above , we're i have often seen fighting ,and huge arguments late at night , this happens every weekend almost ,there are cigarettes available , and any alcohol available for purchase at any hour of the day .
and i have seen them selling "under the counter cheap cigarettes" for £5 a packet , i dont know if this practice continues

i also observe that the people there are somewhat dishonest , there are no prices on the wine bottles and spirits and they charge how ever much they think the person will pay ...

hope that was helpful

XXX

Baptiste, Anthony

Subject: FW: SUPER PERSIA 621 Holloway Road
Attachments: photo.JPG

-----Original Message-----

From: XXX
Sent: 20 March 2014 18:18
To: Licensing
Subject: SUPER PERSIA 621 Holloway Road

Dear Sirs,

In regards to the letter below, I would like to support the possibility to revoke the premises licence at 621 Holloway Road.

As someone who lives XXX Persia, I would like to base my opposition on the fact that throughout the night Persia regularly attracts disorderly people who buy alcohol at cheap rates and create public nuisance and disturbance.

Kind regards,

XXX

Title : 621 Holloway
Road

Islington Borough
Boundary

Printed by :
RO RO

Printed at :
17-04-2014

